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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,540

06/23/2003

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915-005.065

1200

4955 7590 05/11/2009

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EXAMINER

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ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

05/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,540	<b>Applicant(s)</b> TUOMAINEN ET AL.	
	<b>Examiner</b> MYLINH TRAN	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-27 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-27 and 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Applicant's Amendment filed 02/09/09 has been entered and carefully considered. Claims 1, 11, 19, 21, 22, 26 and 30 have been amended. However, the limitation of the amended claims have not been found to be patentable over prior art of record and newly discovered prior art, therefore, claims 1-4, 6-27, 29-30 are rejected under the new ground of rejection as set forth below.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6-27 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. [US. 6,332,024] in view of Smethers [2004/0142720].

**As to claims 1, 19, 22 and 24**, Inoue et al. teach displaying a menu on a display of an electronic device (figure 10A), including displaying a plurality of selection elements (figure 6B); activating one of the selection elements ("ENTER or "REGISTER" is selected), and magnifying said one of the selection elements (the selection "ENTER or REGISTER" is highlighted to cause to be more important to indicate magnifying the selection), magnifying said one of the selection elements, and displaying a plurality of auxiliary elements (plurality of elements: G21 and G22) only in the one of the selection elements that has been activated (figure 6C), wherein the plurality of auxiliary elements includes a plurality of directional indicators indicating possible navigating directions for activating another selection element other than said one of the selection elements ((figure 6F, C50, C51 and C52) show the navigating directions); and wherein the method further comprise activating one of the plurality of directional indicators, ending said displaying of the plurality of auxiliary elements in the one of the selection elements, and displaying directional indicators only in said another selection element (column 9, lines 59 through column 10, line 26).

Although Inoue et al. teach the limitation of highlighting step, Inoue et al. fail to clearly teach the feature of the magnifying of said one of the selection elements including increasing an apparent size of said one of the selection elements, and making room within said one of the selection elements for said plurality of directional indications. However, Smethers teaches the magnifying the selection

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element and directional indication in figure 5D ("BACK" button with an left arrow) and in figure 8F, the pop up element 806 is enlarged with plurality of directional indications. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the magnifying step of Smethers with the teaching of Inoue of plurality of selection elements.

Motivation of the combination would have been to be easy to view and control the magnified selection element.

**As to claims 2, 20, 23 and 25**, Inoue et al. teach defining a submenu for the one of the selection elements and displaying said submenu (column 6, lines 13- 40).

**As to claim 3**, Inoue et al. teach activating an element of a submenu and displaying an auxiliary element on the activated element of the submenu (column 6, lines 13-40).

**As to claim 4**, Inoue et al. teach the auxiliary element being not shown in the no-active selection elements (figure 13F, the key "END" is not active selection element).

**As to claim 6**, Inoue et al. teach the indicator being an arrow pointing to one possible navigating direction (figure 13E, arrows G 41-42 show the navigating directions).

**As to claim 7**, Inoue et al. teach another auxiliary element in the one of the selection elements that has been activated, displays a selectable function (figure 13B, the key "Host 1" is selected).

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**As to claim 8**, Inoue et al. teach the selectable function being accessible via a shortcut (figure 13F, "envelope" is a mail indicator).

**As to claim 9**, Inoue et al. teach said auxiliary element being located close to an identifier of the active selection element (figure 13F, a next element closes to the "envelop" element).

**As to claims 10 and 18**, Inoue et al. teach an identifier of the selection element is at least one the following: an icon, an object, a figure, a text, or a cell of a menu (figure 13F).

**As to claim 11**, Inoue et al. teach an electronic device configured to perform at least a plurality of operations (1A); a graphical user interface, a function of the interface being to present various menus for said plurality of operations (figures 66C-6E); wherein said interface has a the display format comprising one or more selection elements (figure 13E), at least one selection element comprising an auxiliary element (figure 13E, arrows G 41-42 show the navigating directions, column 16, lines 19-45), and only an active selection element comprising a visible auxiliary element (the selection "NEWS" is highlighted to indicate magnifying the selection); wherein the interface is configured to hide said auxiliary element in the active selection element upon navigating to said another selection element (figure 6F, C50), and is configured to provide a newly visible auxiliary element in said another selection element (column 9, lines 59 through column 10, line 26).

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Although Inoue et al. teach the limitation of highlighting step, Inoue et al. fail to clearly teach the feature of the magnifying of said one of the selection elements including increasing an apparent size of said one of the selection elements, and making room within said one of the selection elements for said plurality of directional indications. However, Smethers teaches the magnifying the selection element and directional indication in figure 5D ("BACK" button with an left arrow) and in figure 8F, the pop up element 806 is enlarged with plurality of directional indications. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the magnifying step of Smethers with the teaching of Inoue of plurality of selection elements.

Motivation of the combination would have been to be easy to view and control the magnified selection element.

**As to claim 12**, Inoue et al. teach at least one magnified selection element of the first selection element level (figure 13B, "Host 1" is selected).

**As to claim 13**, Inoue et al. teach the auxiliary element comprising at least one indicator indicating the possible navigating direction (figure 13E, arrows G 41- 42 show the navigating directions, column 16, lines 19-45).

**As to claim 14**, Inoue et al. the indicator being an arrow pointing to one possible navigating direction (figure 13E, arrows G 41-42 show the navigating directions, column 16, lines 19-45).

**As to claim 15**, Inoue et al. teach the auxiliary element comprising at least one indicator indicating the selectable function (figure 13F, G41 is the selectable

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function).

**As to claim 16**, Inoue et al. teach the indicator being a shortcut menu (figure 13E).

**As to claim 17**, Inoue et al. teach the selection element comprising an identifier of the element and an auxiliary element which are located close to said identifier (figure 13F, a next element closes to the "envelop" element).

**As to claim 21**, Inoue et al. teach a graphical user interface, a function of the interface being to present various menus, and one or more selection elements presented via the interface, at least one selection element comprising an auxiliary element and only an active selection element comprising a visible auxiliary element (column 7, lines 25-57);

wherein said visible auxiliary element is configured to navigate to another selection element ("ENTER" is selected in figure 6B to display two other elements of C21 and C22); and wherein the interface is configured to hide said auxiliary element in the active selection element upon navigating to said another selection element (C21 and C22) is hide under the element "ENTER"), and is configured to provide a newly visible auxiliary element in said another selection element (column 9, lines 59 through column 10, line 26).

Although Inoue et al. teach the limitation of highlighting step, Inoue et al. fail to clearly teach the feature of the magnifying of said one of the selection elements including increasing an apparent size of said one of the selection elements, and making room within said one of the selection elements for said plurality of



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directional indications. However, Smethers teaches the magnifying the selection element and directional indication in figure 5D ("BACK" button with an left arrow) and in figure 8F, the pop up element 806 is enlarged with plurality of directional indications. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the magnifying step of Smethers with the teaching of Inoue of plurality of selection elements.

Motivation of the combination would have been to be easy to view and control the magnified selection element.

**As to claim 26**, Inoue et al. teach means for presenting various menus (figure 13B-F), wherein at lease one of the menus comprising a plurality of selection elements ("NEWS" is selected); means for activating on of the selection elements; and means for magnifying said one of the selection elements (the selection "NEWS" is highlighted to indicate magnifying the selection); wherein at least one of the selection elements comprising an auxiliary element, wherein only an active selection element comprising a visible auxiliary element and wherein the at least one auxiliary element including at least one directional indicator indicating possible navigating directions for activating an other selection element (figure 13E, arrows G 41-42 show the navigating directions, column 16, lines 19-45); and wherein the mobile phone is configured to stop displaying said visible auxiliary element in the active selection element ((C21 and C22) is hide under the element "ENTER"), after activation of said visible auxiliary element, and is configured to start displaying

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directional indicators only in said other selection element ((column 9, lines 59 through column 10, line 26).

Although Inoue et al. teach the limitation of highlighting step, Inoue et al. fail to clearly teach the feature of the magnifying of said one of the selection elements including increasing an apparent size of said one of the selection elements, and making room within said one of the selection elements for said plurality of directional indications. However, Smethers teaches the magnifying the selection element and directional indication in figure 5D ("BACK" button with an left arrow) and in figure 8F, the pop up element 806 is enlarged with plurality of directional indications. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the magnifying step of Smethers with the teaching of Inoue of plurality of selection elements.

Motivation of the combination would have been to be easy to view and control the magnified selection element.

**As to claim 27**, Inoue et al. teach means for presenting a submenu for the one of the selection elements (figures 13B-F).

**As to claim 30**, Inoue et al. teach means for performing at least a plurality of operations (column 1, line 50 through column 2, line 13); means for presenting various menus for said plurality of operations (figures 6A-6H); wherein said means for presenting has a display format comprising one or more selection elements (figures 6A-6D); wherein at least one selection element comprises an auxiliary element ("ENTER" is selected to display C21 and C22), wherein only an active

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selection element comprises a visible auxiliary element (figure 6C, C21 and C22), wherein said visible auxiliary element is configured to navigate to another selection element (C21 and C22 indicate to navigate to another selection element), and wherein said means for presenting is also for hiding said auxiliary element in the active selection element upon navigating to said another selection element ((C21 and C22) is hide under the element "ENTER"), and is also for providing a newly visible auxiliary element in said another selection element (column 9, lines 59 through column 10, line 26).

Although Inoue et al. teach the limitation of highlighting step, Inoue et al. fail to clearly teach the feature of the magnifying of said one of the selection elements including increasing an apparent size of said one of the selection elements, and making room within said one of the selection elements for said plurality of directional indications. However, Smethers teaches the magnifying the selection element and directional indication in figure 5D ("BACK" button with an left arrow) and in figure 8F, the pop up element 806 is enlarged with plurality of directional indications. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the magnifying step of Smethers with the teaching of Inoue of plurality of selection elements.

Motivation of the combination would have been to be easy to view and control the magnified selection element.

**As to claim 29**, Smethers teaches the apparatus being a personal digital assistant (figures 5A-5D).

**As to claim 31**, Smethers teaches one magnified selection element (figure 8G).

### **Response to Arguments**

Applicant's arguments with respects to claims 1, 11, 19, 21, 22, 24, 26 and 30 have been considered but are moot in view of the new ground of rejection.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141. The fax phone

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numbers for the organization Where this application or proceeding is assigned are as follows:

571-273-8300

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179